

October 24, 2007

RE: Altavia Jones v. Department of Social and Health Services (DSHS)  
Allocation Review No. ALLO-06-037

Dear Ms. Jones:

The Director's review of DSHS's allocation determination of your position has been completed. The review was held by telephonic conference call on October 17, 2007. The review was based on written documentation and on information provided during the conference call. Participants in the call included you and on behalf of DSHS, Pam Pelton, Classification and Pay Manager, and Ellen Andrews.

**Background**

On July 24, 2006, you signed a Position Description Form (PDF) requesting reallocation of your Human Resource Consultant 3 position to the Human Resource Consultant (HRC) 4 classification. By letter dated November 1, 2006, DSHS determined that your position was properly allocated and denied your request. On November 29, 2006, you requested a Director's review of DSHS's determination.

During the Director's review conference call, we clarified the exhibits submitted for your review. The PDF requesting reallocation of your position was signed on July 24, 2006. (Exhibits B-4 and C-1). Subsequently, you vacated the position. In September 2006, your former supervisor and unit head requested that the vacant position be reallocated by signing a Position Review Request (PRR) form. (Exhibits B-7 and C-4). During the conference call, DSHS clarified that the PRR form was not in place at the time of the July 24, 2006 request for review of your position. DSHS further stated that the PRR form was the incorrect form for management to use to request reallocation of a vacant position. While the PRR form is included in the record for this review, in light of the fact that it was completed after July 24, 2006, it is of limited relevance to my review of your position. In addition, the exhibits include a Position Description form with a July 1, 2005 effective date. (Exhibits B-8 and C-5). DSHS clarified that this is the former description for your position and was included for comparison purposes to assist in determining whether the duties of your position had changed.

Also during the Director's review conference call, I clarified the scope of the Director's review and the timeframe of any remedy that might result from the review. In your letter requesting a Director's review, you asked that in addition to your position, the other affected HRC 3 positions be reallocated. I clarified that the review was of your position only and the results of the review would not affect other HRC 3 positions. You also asked that the duties and performance expectations for the HRC 3 positions be modified to more appropriately meet the HRC 3 scope of duties. I clarified that modification of duties and performance expectations was outside the scope of a Director's review and was not within my jurisdiction.

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

#### **Summary of Ms. Jones' Perspective**

You argue that you provide expert advice and guidance to management and employees. You contend that you assist and advise employees and consult with and advise management in a wide variety of human resource areas such as reasonable accommodation, work place disputes, corrective action, just cause standards, grievances, and classification. You assert that in carrying out your duties and responsibilities, you contact resources such as the Washington State Patrol (WSP), DSHS's Labor Relations Section (LRS), DSHS' Investigations and Reasonable Accommodation Unit (IRAU), and the Attorney Generals' Office (AGO). During the conference call, you clarified that you act as the liaison between these resources and management by gathering information and sharing the information with management. You assert that your contact with these resources and the advice and assistance you provide to management demonstrate the higher level of skill and expertise you perform on a daily basis and meets the definition of the HRC 4 classification. You explained that you advise management on the available courses of action but that management retains the final decision-making authority and responsibility to take whatever action is deemed appropriate. Once management makes that decision, you stated that you assist them by drafting decision letters. In addition, during the conference call, you stated that you review investigation reports for completeness and deal with issues of morale and stress on work units during investigations. You argue that based on their observation of your work, your supervisor and unit head initiated the reallocation request for your position and that they are supportive of your reallocation to the HRC 4 level.

#### **Summary of DSHS's Reasoning**

DSHS argues that you are the first point of contact for human resources issues in your assigned area of responsibility and that you function as a generalist advising management on the avenues available to them for the resolution of their concerns. DSHS contends that when unusual or difficult situations arise, you work in consultation with DSHS's Human Resource Division (HRD) program offices. DSHS asserts that issues and concerns that are escalated above the local level are handled by DSHS's HRD experts. DSHS acknowledges that due to the volume of classification work at DSHS, you have been given limited delegated authority to make allocation

decisions for some classifications. However, if your decision is appealed, an HRD expert would be responsible for representing DSHS in the appeal process and at the appeal hearing. In addition, during the conference call, DSHS explained that HRD experts have the authority to override your decision if necessary. DSHS also acknowledges that you may be requested, as determined by the HRD experts, to assist with, attend and provide documentation and testimony for appeals and grievances. However, the HRD expert and the Assistant Attorney General assigned to a case retain responsibility for processing and presenting cases at hearings. DSHS asserts that the level of professional advice, guidance and consultation you provide is consistent with the HRC 3 classification.

### **Director's Determination**

As the Director's designee, I carefully reviewed all of the documentation in the file and the information you and DSHS provided during the Director's review conference call. Based on my review of the documents, the information provided during the conference call, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that your position is properly allocated to the Human Resource Consultant 3 classification.

### **Rationale for Determination**

DSHS's HRD includes a number of specialized sections, including:

- Investigations and Reasonable Accommodations
- Labor Relations
- Classification and Compensation
- E-Recruiting
- Employee Development
- Public Disclosure.

HRD also includes the Operations Unit. Your position is within Operations Unit. As stated in your PDF, you are responsible for providing human resource consultation and advice to management in the Division of Fraud Investigations in Lacey, Information Systems Services Division in Olympia, and the Division of Children and Family Services offices in Port Angeles, Shelton, Forks, Port Townsend, South Bend, Long Beach and Aberdeen. During the Director's review conference call, you clarified that the majority of your duties include advising and counseling supervisors and managers on behavioral problems with employees and working with them on corrective and disciplinary actions, including reviewing investigation reports. In performing your duties, you consult with specialists and experts in HRD, at the WSP and at the AGO. You then provide information to management and provide advice and consultation on the range of options or alternatives available for the particular situation. You attempt to solve work place disputes before the matter is elevated to a formal grievance or disciplinary action. However, once a matter is elevated, it becomes the responsibility of an HRD expert in one of the specialized sections of HRD.

The Definition for the Human Resource Consultant 4 classification states, "Serves as an assigned professional expert in one or more functional human resource areas; or supervises professional or other human resource staff members."

The Distinguishing Characteristics for the Human Resource Consultant 4 state:

Professional expert or supervisory level. Assignments require application of knowledge and expertise to make decisions on complicated issues. These assignments often require proactive intervention and have wide or precedent setting impact. Provides advice and consultation to organization management, lower level professional staff, and peers. Handles or oversees the organization's most sensitive, complex, or critical human resource issues. Provides advice and guidance and/or supervises professional or other staff members.

You are not an assigned expert in one or more HR areas. You do not supervise others. Rather you are an assigned generalist providing professional-level advice and consultation in a variety of HR areas. You seek guidance from HRD experts, the WSP and the AGO for complicated issues. HRD experts handled matters that rise above the local level and that have wide or precedent setting impact. Your position does not have the breadth of impact or require you to exercise the knowledge or expertise described at the HRC 4 level.

The Definition for the Human Resource Consultant 3 classification states, "Serves as a skilled, experienced, senior level human resource consultant/advisor."

The Distinguishing Characteristics for the Human Resource Consultant 3 state:

Independent senior professional level. Works under minimal supervision with responsibility for resolving complex or difficult human resource issues having broad potential impact. Issues may involve competing interests, multiple clients, conflicting rules or practices, a range of possible solutions or other elements that contribute to complexity. Has full authority to prioritize and handle all issues within assigned area of responsibility. May supervise, lead or provide guidance to support, technical, paraprofessional, or lower level professional staff.  
(Supervision of others should remain and incidental rather than primary function.)

Your position fits within the definition and distinguishing characteristics of the HRC 3 classification. You are a skilled, experienced professional level HR consultant. You work under minimal supervision and you resolve complex or difficult human resource issues. You provide HR advice, assistance and consultation to multiple clients and you provide management with a range of possible solutions. You prioritize and handle all issues within your assigned area and scope of responsibility. Your scope of impact includes signature authority for some limited allocation actions within your assigned area of responsibility. However, DSHS's Classification and Compensation staff function as the experts for DSHS's classification program. In addition, you may be required to provide information during administrative hearing processes for matters within your assigned area. However, staff in DSHS's Labor Relations and Classification and Compensation programs function as the experts in this area. Your duties and responsibilities are best described as skilled, professional level HR activities. Your position is properly allocated.

In your Director's review request letter and during the Director's review meeting, you indicated that your position performs the level and scope of duties performed by HRC 4 positions within DSHS. However, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed

by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position.” Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other HRC 4 positions at DSHS is not a determining factor in the appropriate allocation of your position.

### **Appeal Rights**

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board by filing written exceptions to the Directors' determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the Board within thirty (30) calendar days after service of the Directors' determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Holly Platz  
Director's Review Investigator

cc: Ellen Andrews, DSHS  
Pam Pelton, DSHS  
Lisa Skriletz, DOP